

April 9, 2024

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Adoption of a Resolution Recommending the Applications of W & G Enterprises, Inc. and Genesis Programs, Inc. to the California Department of Health Care Services for Licenses to Operate Driving Under the Influence Programs in Ventura County; Approval of, and Authorization for the Ventura County Behavioral Health Director to Sign Agreements with Contractors Regarding Driving Under the Influence Programs, Effective Upon Signature and through June 30, 2025; Authorization for the Ventura County Behavioral Health Director to Approve Limited Modifications and Extend the Term of the Agreements.

RECOMMENDATIONS:

1. Adoption of a Resolution (Exhibit 1) recommending the application of W & G Enterprises, Inc. (Exhibit 2) and Genesis Programs, Inc. (Exhibit 3), to the California Department of Health Care Services (DHCS) for a license to operate Driving Under the Influence (DUI) programs in Ventura County.
2. Approval of, and authorization for the Ventura County Behavioral Health (VCBH) Director or designee to sign, a DUI program services agreement similar to the one in Exhibit 4, effective upon provisional licensure of the W&G Enterprises, Inc. and Genesis Programs, Inc. DUI Program by DHCS, for a term through June 30, 2025.
3. Authorization for the VCBH Director or designee to approve amendments to these Agreements with modifications, clarifications or technical changes and revisions required by DHCS to the DUI program services agreement, subject to review and approval as to form by County Counsel.
4. Authorization for the VCBH Director or designee to extend the term of the Agreements, up to two (2) times for periods not to exceed one (1) year each on the same or more favorable terms and conditions (with any changes consistent with the original purpose of the Agreements). All extensions would be subject to review and approval as to form by County Counsel.

FISCAL/MANDATES IMPACT:

SUS Budget Unit 3240-3240 (DUI Program)

Mandatory: No [] Yes [X] Cite Authority: 9 CCR Section 9878

Source of Funding: DUI Contractor Client Fees

Funding Match Required: No

Impact on Other Department(s): None

Summary of Revenue and Total Costs	<u>FY 2023-24</u>	<u>FY 2024-25</u>
Revenue:	\$0	\$68,000
Costs: Direct Cost	\$	\$
Indirect - Dept.	\$0	\$0
Total Costs	\$0	\$68,000
Net County Costs	\$ -0-	\$ -0-
Recovered Indirect Cost:	\$ -0-	\$ -0-

State law requires DUI programs to be licensed and funded entirely by client DUI fees, according to State law. The County revenue reflected above represents client fees paid by the contractors for the administration of the contract.

FY 2023-24 Adjusted Budget for DUI BU #3240				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/(Deficit)
Appropriations	\$4,127,939	\$4,163,787	\$4,265,232	(\$101,445)
Revenue	\$4,081,947	\$4,081,947	\$4,198,921	\$116,974
Net Cost	\$45,992	\$81,840	\$66,311	\$15,529

Note: Sufficient appropriations and revenues are available in the FY2023-24 DUI Budget Unit 3240 Adjusted Budget.

STRATEGIC PLAN PRIORITY:

The item presented in this board letter ties to the Healthy, Safe, and Resilient Communities strategic priority of the County Strategic Plan as it is designed to support the goal of maintaining high-performing public safety services by expanding DUI services for people in Ventura County.

DISCUSSION:

Recommendation #1:

The California State Legislature enacted DUI laws and programs in 1982, requiring education and counseling services for first time and repeat offenders. The intent of the DUI laws was to prevent the detrimental effects that drinking and driving have on the individual, families and communities through required education and counseling services. DUI programs licensed by the DHCS provide improved public health and safety on California highways by reducing the number of incidents caused by alcohol and drug use while operating a motor vehicle. DUI programs assist in reducing the number of repeat DUI offenses by persons who complete a state-licensed DUI program while providing participants an opportunity to address problems related to the use of alcohol and/or other drugs. By regulation, DUI programs are funded only by client fees and do not receive taxes or other funding mechanisms.

From the inception of the DUI program, State laws and regulations have placed responsibility for ensuring the provision of DUI program services at the local level. To date, Ventura County has met this responsibility through the direct administration of county operated DUI clinics and is now seeking private companies licensed by DHCS, who are willing to deliver DUI program services in the County instead of the County operating them directly. Ventura is the last county in California to directly operate a DUI program and over the last few years, labor costs have increased making it too costly to directly operate without the County raising participant fees. Because our fee structure is already the highest in the state, raising fees would present an undue hardship for participants. The County believes that transitioning to a model used by other counties with community providers is the best option. The goal is to have the same level of service, lower the cost for participants, and expand local operating hours beyond our current offerings.

On August 11, 2023, VCBH issued a Request for Proposals (RFP) inviting qualified applicants to submit proposals to provide DUI program services to Ventura County residents in various areas across the county. VCBH received three proposals and recommends that W & G Enterprises, Inc.'s and Genesis Programs, Inc.'s application to conduct these programs be recommended to DHCS for licensure. Development of DUI Programs by providers like W & G Enterprises, Inc. and Genesis Programs, Inc. will allow the County to discontinue its direct administration of these programs.

State regulations require that as a condition of licensure, each applicant must submit to DHCS a resolution from your Board recommending its application for licensure, including a statement from your Board indicating that there is a demonstrated need for such services within the County and the granting of the licenses will not jeopardize the fiscal integrity of existing licensed DUI programs (9 CCR § 9805). Thus, the attached resolution recommending W & G Enterprises, Inc.'s and Genesis Programs, Inc.'s applications is a prerequisite to their licensure. W & G Enterprises, Inc. holds

licenses with two programs in Los Angeles and San Bernardino counties since 1992. Genesis Programs, Inc. has not previously held a license for the provision of DUI services.

Once DHCS approves the providers' licensing applications, W & G Enterprises, Inc. and Genesis Programs, Inc. will be authorized to provide DUI offender services to Ventura County residents at locations within the County. The DUI programs will include: (a) the Wet Reckless program which serves persons convicted of reckless driving with a measurable amount of alcohol in their blood, (b) the First Offender program which serves persons convicted for the first time of a DUI offense who must complete a State licensed three (3) month, six (6) month or nine (9) month program, depending on their blood alcohol level, and (c) the Multiple Offender program which serves second and subsequent DUI offenders who must complete a State licensed eighteen (18) month program.

Furthermore, VCBH will continue to examine any geographical gaps left in the Ventura County DUI program offerings. For example, later this year, W & G Enterprises, Inc. plans to seek licensure to open additional locations to ensure that such DUI programs are sufficiently accessible throughout the county.

VCBH recommends adoption of the resolution recommending W & G Enterprises, Inc.'s and Genesis Programs, Inc.'s application to the DHCS for licensure to operate a DUI program in Ventura County.

Recommendation #2:

VCBH requests authorization for the VCBH Director or designee to sign an agreement with W & G Enterprises, Inc. and Genesis Programs, Inc. in the form set out in Exhibit 4, effective upon the programs' provisional licensure, within FY 2023-24 or FY 2024-25 and for a term that is through June 30, 2025. This agreement will relate to County administration and monitoring of the proposed program, as provided by State regulations (9 CCR § 9878 (n)), and the fees related to those activities.

Recommendation #3:

VCBH also requests authorization for the VCBH Director or designee to approve modifications, clarifications and technical changes to the DUI program services agreements, revisions required by DHCS, subject to review and approval as to form by County Counsel.

Recommendation #4:

VCBH requests authorization for the VCBH Director or designee to extend the term of the agreements referenced in Recommendation #2 so long as the program remains licensed by DHCS.

This Board letter has been reviewed by the County Executive Office, Auditor-Controller's Office, and County Counsel. If you have any questions regarding this item, please contact VCBH Interim Behavioral Health Director Loretta L. Denering, DrPH, MS at (805) 981-2214 or Health Care Agency Assistant Chief Financial Officer Narcisa Egan at (805) 973-5357.


LORETTA L. DENERING, DRPH, MS
Interim Behavioral Health Director


BARRY L. ZIMMERMAN
Health Care Agency Director

Attachments:

- Exhibit 1 – Resolution
- Exhibit 2 – Application of W & G Enterprises, Inc.
- Exhibit 3 – Application of Genesis Programs, Inc.
- Exhibit 4 – Administration and Monitoring Agreement